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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/061,833	04/16/98	BOSSEMEYER R	A00394(AMT-9

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EXAMINER	
ESCALANTE,O	
ART UNIT	PAPER NUMBER
2645	22

DATE MAILED: 08/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action	Application No. 09/061,833	Applicant(s) BOSSEMEYER ET AL.	
	Examiner Ovidio Escalante	Art Unit 2645	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Attachment*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____

10. ☐ Other: _____

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Attachment

As per claim 22:

1. The Applicants contend that the Examiner's argument with respect to claim 22 is in error. The Applicants state, the clear meaning of the words "derived lines process" does not cover detecting when one extension goes off-hook and monitoring a line or obtaining one of the existing telephone lines when a line is required for a call as stated by the Examiner. The Examiner respectfully disagrees.

The Examiner acknowledges that the word "derive" means "to take or receive – especially from a specified source", as quoted from Webster's New Collegiate Dictionary.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., create a telephone line out of existing bandwidth) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Examiner as stated in the Office Action, paper number 18, and Interview Summary, paper number 20, indicated that "a derived lines process" can be read on the system of McKendry obtaining (to take or receive) from a specified source (existing lines). The Examiner believes that McKendry teaches of a derived lines processes since McKendry is obtaining a line from a group of lines. The Applicants state that McKendry just selects a telephone line. The Examiner notes that selecting is the same as obtaining, therefore McKendry obtains a line from a group of existing lines when a line is required for a call which reads on a derived lines process.

As per claim 25,8 and 30:

2. The Applicant contends that McKendry does not teach of a router as required by claim 25. The Examiner respectfully disagrees.

A router by definition is an intermediary device on a communication network that expedites message delivery. A router receives transmitted messages and forwards them to their correct destination over the most efficient available route. The Examiner believes that the switch of McKendry performs the same functions as a router as claimed since the switch is able to receive messages and forward messages to their correct destination as disclosed by McKendry.

As per claim 1:

3. The Applicants state that if a person skilled in the art was given the three prior art references cited by the Examiner, they would not have a multiplexer in the wireless local loop, but in the wireless distribution of the house as shown in Snelling. The Examiner respectfully disagrees.

As stated in the Final Office Action the Examiner used the teachings of Snelling to show that one skilled in the art would have known that transceivers can have multiplexers. The Examiner combined McKendry with Baldwin but only used the teachings of Snelling to meet the claimed limitations. The combination of McKendry and Baldwin fails to teach of a multiplexer with the transceiver, however as stated in the Final Office Action having a multiplexer with a transceiver was well known in the art at the time the invention was made.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, McKendry was combined with Baldwin to shown that one skilled in the art at the time the invention was made would have made the home gateway system of McKendry connect to the PSTN via a wireless local loop connection via a transceiver. Such technology was well known in the art at the time the invention was made. Furthermore Snelling was used to teach that it was well known in the art for transceivers to be connected to multiplexers. Therefore, it would have been obvious that the transceiver of Baldwin would have a multiplexer for the reasons set forth in the Final Office Action.

As per claim 7:

4. The Applicants contend that the smart card interface of Hylton is not part of the home gateway system. The Examiner respectfully disagrees.

The smart card of Hylton is in a home gateway system as discussed in the Final Office Acton. The combination of Hylton and McKendry would result in the personal call manager of McKendry being connected to a smart card interface which is within the home gateway system.

As per claims 9 &10, 27-28 and 30:

5. The Applicants state that Sizer does not show a home automation and security system or television processing system connected to a router and that the Examiner has not shown a television processing system or a home automation and security system. The Applicants further state that while Sizer can control appliances which may be broadly read onto the automation portion it does not cover security and it certainly does to constitute a television processing system. The Examiner respectfully disagrees.

Sizer specifically teaches of a system for controlling appliances situated with a premise (home automation) and a home security system, (col. 1, lines 52-56). Sizer also teaches of a television processing system coupled to the router since the system is able to control the television set to display stored information, telephone message and prompts received from control singles such as from a premises phone, (col. 4, lines 44-58). Therefore, Sizer teaches of a home automation and security system and a television processing system which is connected to a router.